

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
DECEMBER 5, 2005**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Council President George Morren at 7:30 PM. Mr. Morren led the Pledge of Allegiance to the Flag followed by a moment of silent meditation. Mr. Morren noted statement of compliance that the meeting has been properly advertised in the December 31, 2004, issue of the Somerset Spectator and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Richard Batchelder-present, Ms. Peggy Harris-present, Mr. George Morren-present, Mr. Jared Witt-present, Mr. Edward Zimmerman-present.

Absent: Ms. Connie Hallman

Also present: Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Engineer William Tanner

LETTER OF RESIGNATION

Letter of resignation effective December 2, 2005, from Mayor Brian Nolan addressed to the Borough Clerk was received and accepted by Borough Council. Mayor Nolan was acknowledged for his long term service and commitment to the Borough.

APPROVAL OF MINUTES

Regular Meeting Minutes – November 21, 2005 – Motion to approve the minutes was made by Zimmerman with a second by Witt. Motion carried on roll call vote – all ayes.

PUBLIC COMMENTS

The floor was opened to the public for comments/questions. Hearing none, the floor was closed.

ENGINEER'S REPORT

Engineer Tanner's report dated December 2, 2005, for November 2005 was received and distributed (copy on file in Borough Clerk's Office). The following items were discussed:

Princeton Gamma Tech – Engineer Tanner noted a recent deviation in the well pumping data. Superintendent Larry Merk is researching the reason for the change prior to the submission of the letter to the EPA which is expected to be sent by the end of the year;

County Park Project - An update was provided on the County Park project. Engineer Tanner advised that down payment monies (approximately \$80,000 from the Borough) need to be allocated in the temporary budget for the timely completion of Phase II of the park. Montgomery Township will be allocating their share of the down payment in their temporary budget also. In regard to current wash-out problems at Princeton Ave. along the road and ditch, Engineer Tanner will have same remedied. Some additional issues to be addressed are allocation of monies for the maintenance, i.e. mowing, restroom upkeep, and the processes associated with opening and closing of the gates.

Leaf Pick up Contract – It was noted that the agreed upon pick-up dates were adhered to by the contractor. It was agreed that there would not be a need for an additional pick-up.

Traffic Calming – Princeton and Montgomery Aves. - Letter to the NJDOT will be sent out by the end of the week (12/9/05) and a copy of the submission package will be on file with the Borough Clerk.

Sidewalks – Engineer Tanner is following up with the County for consideration for the repairs to sidewalks along Washington St. and Crescent Ave. as previously requested. It was suggested that this project be combined with the Princeton Ave. and Montgomery Ave. projects for contract award in the spring of 2006 for possible better pricing. Engineer Tanner will also contact the County for pricing comparisons.

Princeton Ave. Sidewalks – Engineer Tanner provided a revised concentrated plan detailing the Soika property per previous request. Engineer Tanner noted reasons why narrowing of the road in this area would not be a good alternative. The alternative of berming the sidewalk area for the resident will be presented to them by Engineer Tanner. It was also agreed that Engineer Tanner will explore another option for sidewalks on the other side of the road where there is ROW. Also provided was a preliminary engineer's estimate for the project per request of Mayor and Council.

Pathways Grant Resolution – Resolution authorizing the filing of a 2006 Pathways Grant of \$25,000 with a 20% match (attached hereto as Appendix 1) was moved for approval by Witt with a second by Morren. Motion carried on roll call votes.

Municipal Recreation Shelter – Engineer Tanner provided memorandum dated 12/2/05 detailing the total cost of the shelter, funds currently available, and amount needed to in order to award the contract, same being \$10,000. Of concern is the awarding of the contract before the expiration of previously received grants. A budget meeting will be held next week with Councilmen Batchelder, Morren, and Clerk Whitlock after which a report of funds availability will be made. In addition, Engineer Tanner will request an extension of the grant monies from the County. Carried to next Council meeting.

TRANSFERS IN THE 2005 MUNICIPAL BUDGET

BE IT RESOLVED, the following transfers be made in the 2005 municipal budget:

From Board of Health Contract \$1300.00
From Rec. Programs \$ 700.00
To Buildings & Grounds \$2000.00

From General Administration..... \$1000.00
To Heating Oil..... \$1000.00

Motion to move the resolution was made by Batchelder with a second by Harris. Motion carried on roll call vote.

APPROVAL OF VOUCHERS/BILL LIST

Resolution

WHEREAS, the Treasurer has certified that sufficient funds are available to pay said vouchers,
BE IT, THEREFORE, RESOLVED, that the following vouchers be approved for payment.
Motion to approve the resolution was made by Batchelder with a second by Witt.
Motion carried on roll call vote – all ayes. (See Appendix 2 for Bill List)

COMMITTEE REPORTS:

Administration and Records – Mr. Witt reported on progress being made regarding the outstanding tennis account; carried to next meeting.

Buildings & Grounds – Mr. Zimmerman reported on the progress of the acquisition of a new court recorder; carried to next meeting.

Finance & Insurance – Tax Collector's report for November 2005 was received and distributed. Mr. Batchelder distributed copies of Budget Trial Balances as of 12/5/05. Request was made for all department heads to review their respective budgets and advise by the end of this weekend as to monies that are available to aid in the funding of the recreation shelter. Resolution for cancellation of unexpended balances will be prepared for the next meeting.

Public Safety & Emergency Services – Mr. Morren provided a report on the Constables' activities. Request was made for the expenditure of funds not to exceed \$2400.00 for emergency management furniture in relation to the move of emergency services center to the firehouse. Motion authorizing same was made by Zimmerman with a second by Harris. Motion carried on roll call vote – all ayes. Letter was received from Montgomery Township Administrator regarding the discontinuation of dispatching services as of 12/31/05. It was noted, however, that dispatching services will be provided until the transition period is completed. Mr. Morren advised that court protection services were provided at the last Court session by both the NJ State Police and South Bound Brook Police. In response to questioning by Mr. Batchelder, it was reported that the ambulance should be delivered by the end of the year.

Streets & Roads – Ms. Harris requested the constables be notified about sidewalk snow removal issues.

Water, Sewer & Environmental Protection – Mr. Zimmerman summarized utilization report for November as submitted by Superintendent Larry Merk.

Council Representative to Planning Board – It was noted that the Schafer Tract Development application was deemed complete at the November 15, 2005, planning board meeting. Public hearing expected to be scheduled for January 2006.

Council Representative to School Board – Mr. Witt reported on the increase in students this year from 72 to 82 students.

Council Representative to Board of Health – No report at this time.

Zoning Official – No report at this time.

SPECIAL BUSINESS

Republican Committee Nominations for position of Mayor, Borough of Rocky Hill, through 12/31/06

Letter received from Rocky Hill Republican Committee Chair Brian Nolan was read into the record by Clerk Whitlock recommending the following nominees: George Morren, Peggy Harris, Charles Pihokken. Consideration of George Morren to serve for the remainder of the term was recommended. Ms. Harris thanked the Republican Committee for her nomination but offered support to Mr. Morren. Motion was made by Ms. Harris to nominate George Morren as Mayor with a second by Mr. Batchelder. No other nominations being received, motion carried on roll call vote: Batchelder-aye, Harris-aye, Witt-aye, Zimmerman-aye.

Mr. Morren accepted the nomination as Mayor for the remainder of the term through 12/31/06, receiving and executing the oath of office. Mr. Morren provided letter of resignation as Borough Council member effective 12/5/05 which was read into the record. Mr. Morren vowed continued support of the committee system currently in use by Borough Council and urged amicable relations amongst all.

Republican Committee Nominations for vacant Borough Council Seat for unexpired term through 12/31/06

Letter received from Rocky Hill Republican Committee Chair Brian Nolan was read into the record by Clerk Whitlock recommending the following candidates to fill the Borough Council seat for the unexpired term through 12/31/06: Eileen Uhrig, Tom Roshetar, Charles Pihokken.

Councilmen Witt and Zimmerman expressed support of filling the vacant seat with nominee Eileen Uhrik, however, recommended that action be held over out of respect for the residents of the Borough and the full membership of the Council to include the incoming 2006 Council members (noting the 30 day provision in which to make this appointment). Councilman Batchelder and Councilwoman Harris expressed support of the appointment of Ms. Uhrik at this time in order that the business of the Borough be continued.

Motion was made by Witt with a second by Zimmerman to have the floor opened to the public for input as to the appointment process. Roll call: Batchelder-nay, Harris-nay, Witt-aye, Zimmerman-aye, Mayor Morren – (due to tie vote) - abstain. Motion failed to carry.

Motion was made by Harris with a second by Batchelder for the appointment of Eileen Uhrik to the vacant Council seat. Roll call: Batchelder-aye, Harris-aye, Witt – nay, Zimmerman-nay. (Mayor Morren ineligible to vote on Council appointment). Motion failed to carry.

Consideration of appointment carried to next meeting.

December Governing Officials' Meeting – It was agreed to continue with past practice that spouses/significant others of Mayor, Council, and employees be invited to attend this event.

COMMUNICATIONS

Correspondence as outlined on the agenda was reviewed and ordered filed

2006 Salary requests were received from Tax Collector/Deputy Clerk Griffiths and Court Administrator Hooven. Increase requests will be addressed during the upcoming budget process. In response to request by these employees for consideration of a monthly payroll check in lieu of the current quarterly process, it was agreed that the chief financial officer be instructed to accommodate this request.

UNFINISHED BUSINESS:

Mayor Morren presented nomination of Helen Morris for “**Outstanding Women in Somerset County**”. Mayor Morren will acquire the necessary paperwork for submission of the nominee.

Veteran's Memorial – In response to previous request by Mayor and Council, Mr. Al Robotti addressed the issue of whether Rocky Hill should be take part in the veteran's memorial being planned in Montgomery Township. Mr. Robotti expressed his concern with the distance of the memorial from the Borough and suggested that a memorial be considered in the Borough. It was also noted by Mr. Robotti that a major problem would be in coming up with an accurate list of Rocky Hill veterans. Further consideration of this suggestion to be continued by Mr. Robotti and Mayor Morren.

NEW BUSINESS:

Borough Sidewalk Snow Removal – It was noted that Larry Merk will continue this service for the Borough along with current customers in the Borough. Notice of his services to new clients will be removed from the website.

Possible replacement of Borough Superintendent Larry Merk – In light of Mr. Merk's upcoming retirement in 2006, he is requesting the Borough's consideration in a joint appointment and salary apportionment for the position along with recommended replacement Tim Lesko. It was noted that Mr. Lesko is currently employed by the Borough and holds all required certifications for the position. It was agreed that this matter should be referred to Committee Department Head Connie Hallman. Mayor Morren will contact Ms. Hallman to further discuss this issue and place on the next meeting agenda for further consideration.

2006 Meeting Date Schedule – 2006 meeting date schedule was distributed. Motion to approve the schedule was made by Zimmerman with a second by Witt. Roll call: Batchelder-aye, Harris-abstain, Witt-aye, Zimmerman-aye. Motion carried.

PUBLIC COMMENT

Marge Yuschak, resident, expressed her disappointment of actions taken by certain members of the Republican Committee and the disallowance of public comment surrounding the vacant Council seat appointment. In response to Ms. Yuschak's concern about this matter being considered without the presence of Councilwoman Hallman, Mayor Morren advised that this matter was placed on the latter part of the agenda to accommodate Ms. Hallman. Ms. Yuschak implored Council to continue open communication.

Al Robotti, resident – Attorney Cruz clarified term expirations in response to Mr. Robotti's concerns. Mr. Robotti also expressed concern with advice rendered by Attorney Cruz to Council members regarding the Council vacant seat appointment.

Tom Roshetar, 80 Princeton Ave. – In regard to the proposed sidewalks on Princeton Ave., Mr. Roshetar advised that there is a consensus of the residents on Princeton Ave. to have the sidewalks placed on the park side of the road.

Brian Griner, Knoll Way – Mr. Griner expressed his appreciation to the outgoing Council members.

Martin Engelbrecht, resident, welcomed the appointment of Mayor Morren.

Bill O'Brien, Merritt Lane – Mr. O'Brien urged Mayor and Council to keep the WAWA application issue on the forefront. Mr. O'Brien thanked Councilmen Witt and Zimmerman for offering the opportunity for comments to the public in regard to the vacant Council seat matter and urged amicable relations of the incoming Council. He also expressed his dissatisfaction with advice offered to Council at this meeting by the Borough Attorney regarding the provisions surrounding the filling of the Council seat vacancy.

Mayor Morren responded that he will continue to be supportive of the Borough's position on the WAWA project and will be attending the meeting scheduled on 12/12/05. Mayor Morren also stated that Council members were provided with the applicable statutes and relevant information pertaining to the issue of the filling of the vacant Council seat by the Borough Attorney in advance of this meeting.

ADJOURNMENT:

Motion to adjourn the meeting at 9:45 PM was made by Batchelder with a second by Zimmerman.
Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths
Deputy Clerk